

BOARD OF POLICE COMMISSIONERS

Minutes of the Regular Board of Police Commissioners Meeting Thursday, May 29, 2003

COMMITTEE OF THE WHOLE

The Committee of the Whole meeting of the Detroit Board of Police Commissioners was held on Thursday, May 29, 2003, at 3:00 p.m., at Police Headquarters, 1300 Beaubien – Rm. 328-A, Detroit, MI 48226.

ATTENDANCE

Board Members Present

Megan Norris
Willie E. Hampton (ABS)
Arthur Blackwell, II (ABS)
Erminia Ramirez
Edgar L. Vann, Jr. (ABS)

Department Personnel Present

AC Walter E. Shoulders
DC Bryan Turnbull
DC Harold Cureton
Insp. Gail Barnes
Sgt. Ramona Bennett
Sgt. Debbie Jackson
PO Kevin Jones
PO Irvette Reed
3rd DC Tara Dunlap
Civ. Linda Meyers
Rev. David Murray
Atty. Nancy Ninowski

Board Staff Present

Dante' L. Goss, Executive Director
Denise R. Hooks, Attorney/Supv. Investigator
Arnold Sheard, Interim Chief Investigator
Stephan Thompson, Sr. Investigator
Arthur Divers, Sergeant
Ellie Sassine, Investigator
Jose` Herrera, Investigator
E. Lynise Bryant-Weekes, Personnel Director

RECORDERS

Jerome Adams
Kellie Williams

OTHERS PRESENT

Ms. Walters
Ron Scott
Mike Payne, WWJ 950
DPOA Atty. Thomas Zulch
Channel 2, FOX
Channel 4, WDIV
Channel 7, WXYZ
Henry Dudzinski
Ben Schmitt, Detroit Free Press
Phillip Cracchiolo
Rick Jones
DPOA Atty. Thomas Zulch

1. CALL TO ORDER

Chairperson Norris called the regular meeting of the Detroit Board of Police Commissioners to order at 3:30p.m.

2. APPROVAL OF MINUTES

Chairperson Norris stated that the Minutes of Thursday, May 15 and Thursday, May 22, 2003 would be tabled until the next full meeting of the Board.

3. REPORT FROM THE CHAIR

Chairperson Norris stated if you are here to hear our presentation on the Harbormaster Summer Plan, we are very happy to have you.

If you are here for some other reason, I will tell you that we will not be discussing the matters that were in this morning's paper as a Board. Even when we have a quorum I anticipate that we will be going into closed session and would not be discussing that publicly because it is a personnel matter that we are entitled to discuss in closed session. Although, if or when we take any action, as those of you who are familiar with us know, that we take the actions publicly.

4. SECRETARY REPORT – EX. DIR. GOSS

Suspensions

On May 29, 2003, **Investigator Steven Baylor**, badge I-129, assigned to the Twelfth Precinct, was suspended without pay by AC Walter E. Shoulders.

On April 28, 2003, off-duty Investigator Baylor, was arrested by Farmington Police Department. As a result, misdemeanor warrant #03-C-410631 was issued charging him with “Operating Under the Influence of Liquor/Unlawful Blood Alcohol Level.”

On this same date, Investigator Baylor was arraigned before Magistrate Carl Christoph of 47th District Court. He was released on a \$1,000.00 personal bond and ordered to attend a mental and alcohol assessment program. A pre-trial date is scheduled for June 4, 2003.

It should be noted that Investigator Baylor is currently suspended with pay pending a disciplinary finding at a Police Trial Board. He has been suspended with pay since August 15, 2002.

Based on the above circumstances, it is recommended that Investigator Baylor be charged with, but not limited to, the following violation of the Detroit Police Department Rules and Regulations:

CHARGE: CONDUCT UNBECOMING AN OFFICER; CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS, THIS BEING IN VIOLATION OF GENERAL ORDER 72-17, SECTION C, AND SECTION K, SUBSECTION 65.

Unless contravened by this Commission, the above suspension without pay will stand.

There were no contraventions to the above suspension without pay.

On May 29, 2003, **Police Officer Michael Redmond**, badge 387, assigned to the Eleventh Precinct, was suspended without pay by AC Walter E. Shoulders.

On May 5, 2003, off-duty Officer Redmond, was arrested and issued Miscellaneous Ordinance Violation #U 050-191 for “Engaging in An Illegal Occupation” (security) at an after hour establishment.

On May 12, 2003, Officer Redmond was appeared before Judge Marion Moore of at 36th District Court for a preliminary examination. A pre-trial date of July 11, 2003 was set.

It should be noted that Officer Redmond is currently suspended with pay pending two "open" cases: 1) "Entering a Place of Illegal Occupation and Willful Disobedience of Rules or Orders" and 2) "Conduct Unbecoming an Officer, Willful Disobedience of Rules or Orders, Willfully Making a False Oral or Written Statement or Report, and Withholding Information Relative to Suspicious Persons or Places or Any Occurrence of Circumstances Bearing on Crimes or Attempted Crimes."

Based on the above circumstances, it is recommended that Officer Redmond be charged with, but not limited to, the following violation of the Detroit Police Department Rules and Regulations:

CHARGE: CONDUCT UNBECOMING AN OFFICER; CONTRARY TO THE LAW ENFORCEMENT CODE OF ETHICS, THIS BEING IN VIOLATION OF GENERAL ORDER 72-17, SECTION K, SUBSECTION 65.

DPOA Atty. Zulch stated it is my understanding to the two open cases, one of these open cases and this is information that was provided to me, I have not specifically pulled this out. One of these similar cases that involved two other police officers that their cases have been adjudicated and in fact, their cases were dismissed because of the illegal occupation that was alleged was not illegal at the time of the incident, that the officers were charged with.

Chairperson Norris asked what is the status of this? I know they are open, but have we had a trial board, are we waiting for a decision, do we know what the status is?

DPOA Atty. Zulch stated I believe that both of these have been heard at a Chief's Hearing and are waiting for a trial board date. It could be in June, I am not sure if a date has been set.

Something that should also be indicated to this Board is that it is incorrect when it indicates that a preliminary examination was held. That's done for felonies and I don't won't the Board to make the mistake of thinking that this is a felony charge, it is a misdemeanor, what will be conduct as a pre-trial conference on July 11th,

that would have been an arraignment date his first time to court and not an examination.

Chairperson Norris asked what is the difference between an ordinance violation and something else, if any?

DPOA Atty. Zulch stated a ordinance violation is essentially any ordinance within the City or the State that...

Chairperson Norris asked is it still a criminal charge and not a civil charge?

DPOA Atty. Zulch stated it is a criminal misdemeanor charge as oppose to if it was a traffic misdemeanor that would be written on a different ticket. It's just the type of ticket that they would be issued to appear in court.

The Board should not punish this officer without a full investigation and report without a hearing to determine if his alleged conduct violates the rules and orders of this Department. It is always argued, were talking and dealing with the conduct of the officers and that is what should be determined by a Trial Board that has to listen to all the witnesses and have the evidence presented to it. To take his pay away is unfair and punishment and does not fill his due process rights.

Atty. Ninowski stated the Department's petition for a suspension without pay concerning Officer Redmond, the petition is based on the conduct that Officer Redmond engaged in on or about May 5, 2003 approximately at 3:00 a.m. On May 5, 2003 at 3:00 a.m., the Vice Section of the Detroit Police Department was conduct law enforcement action at a warehouse on Cloverdale in the city of Detroit. They had an allegation that an after hours party was taking place there, the undercover officers went into the bar and they paid their \$10 fee, at that time they were asked what their drug of choice would be, you could have crack cocaine, you could have marijuana or there is a bar in the back and you could have choice of beverages. The undercover officers preceded to the back of the room and that is when they noticed Officer Redmond was working in a security capacity and making observations of the crowd and etc. A search warrant was executed by the Vice Section and they found four 4 gallon size bags of marijuana, 50 rocks of crack cocaine, approximately 24 firearms (5 of which were stolen) – none of those were on Officer Redmond, and 2 knives. Officer Redmond's vehicle was forfeited and there was some high-powered assault ammunition found in that vehicle.

The Department's position is that the conduct, irrespective of his current duty status, the conduct that Officer Redmond engaged in was egregious and it warrants a suspension without pay. If you apply the standard from the **Poullard** arbitration, I think that you will arrive at the same result that our position is requesting, which is a suspension without pay. Certainly, Officer Redmond has violated the state law, the local ordinance, and the rules and regulations of the

Department. The two cases that Mr. Zulch has made reference to, both of those cases are current. Current cases, where any officer was acting as security after having being ordered not to do so. The one case that Mr. Zulch was referring to, with respect to a dismissal that case has already been dismissed. It is not one of the two that is mentioned in this petition.

Chairperson Norris stated I am willing to bet that Ms. Hooks is going to tell me that if the facts are salient enough that the Department believes that they should be relied on in determining whether there should be a suspension without pay or not, they are suppose to be in the suspension. If the Department chooses not to put them, for whatever reason, in the suspension, I believe you are going to tell me that we are not to rely on that. She asked is that correct?

Atty. Hooks nodded yes.

Chairperson Norris stated she is nodding yes, over there.

Which means all of this stuff that you have just told us, which sounds like important stuff, it is not in hear, which means if the Department wants to improve the likelihood of a suspension being upheld, because they think that kind of stuff is important, it has to be put in the suspension, because this suspension does not say anything about drugs of choice or 50 pounds of this or that.

She stated I know that when we only have two Commissioners a suspension can still be read because we have five (5) commissioners in panel. A suspension could still be read and be valid not withstanding the four Commissioner requirement. What we normally do is we tell our other Commissioners they have to read this and they have to read the Minutes about arguments and then we give them a date and tell them they must contravene by this date, because we will consider it not contravened. If we do not contravene today, but let's say next week or two week's from now we contravene. She asked is the officer suspended with pay or without pay?

Atty. Hooks stated I believe it would be with pay.

Atty. Ninowski stated with pay.

Chairperson Norris asked at the point that we contravene, would he just continue in his current status, if we were to do that?

Atty. Hooks stated right.

Chairperson Norris stated until four of us have had a chance to considered it, the suspension does not go without pay? Is that correct?

Atty. Ninowski stated correct

Chairperson Norris asked do you agree with that Mr. Zulch?

Atty. Zulch stated yes

Unless contravened by this Commission, the above suspension without pay will stand.

There were no contraventions to the above suspension without pay.

CITIZEN COMPLAINTS RECEIVED

<u>This Week</u>	<u>Year to Date</u>	
Weekly Count of Complaints:	35	435
Weekly Count of Allegations:	75	798
Arrest	1	29
Demeanor	29	270
Entry	2	11
Force	4	65
Harassment	1	32
Procedure	28	254
Property	2	40
Search	0	30
Service	8	65

Pending Cases

As of May 28, 2003, the Office of the Chief Investigator (OCI) has a total of **435 pending cases**, which include **141 cases** with an age of 0-45 days, **43 cases** with an age of 46-60 days, **117 cases** with an age of 61-90 days, and **101 cases** with an age of 91-120 days, and **33 cases** with an age of 121 days – 6 months.

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During the past week:	24	Year to Date:	429
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5. CHIEF'S REPORT

DETROIT POLICE DEPARTMENT MIND'N OUR BUSINESS

Board of Police Commissioners

The Detroit Police Department's mission is building a safer Detroit through community partnerships. Therefore, the following enforcement actions were conducted during the week of May 21th-27th, 2003:

ORGANIZED CRIME AND GANG DIVISION

The Conspiracy Intelligence, South-East, North-West and Vice Sections conducted ten enforcement actions that resulted in (6) misdemeanor, (4) felony arrests and (1) juvenile detained. There were also (31) miscellaneous ordinances issued. These enforcement actions resulted in the confiscation of 1,305.2 grams of cocaine, 3.4 grams of heroin and 17,092 grams of marijuana with a total street value of \$596,568.00. \$1,240.00 in U.S. currency, 2 handguns and 2 long guns were confiscated from these enforcement actions.

FOURTH PRECINCT

On May 23, 2003, officers of the Fourth Precinct responded to a "Mental Run" in the 1100 block of Green Street. Police dispatcher advised the officers that the mental at the location threatened to burn down the building. Upon arrival of the location, the officers observed the building on fire and a male hanging out of a window with a blue steel automatic weapon in his hand. The Detroit Fire Department responded and put out the fire, while the officers evacuated the building. The subject was transported to the Detroit Receiving Hospital's Crisis Center without further incident.

TACTICAL SERVICES SECTION (T.S.S.)

May 21-27, 2003, officers of T.S.S were on the national "Click It Or Ticket," operation. During the above period, T.S.S officers observed seatbelt violations and other traffic violations, which resulted in the issuance of several uniform citations. In addition, two subjects were arrested for "Possession of a Stolen Motor Vehicle," and were also wanted on several warrants.

Chief of Police Jerry A. Oliver, Sr.

6. PRESENTATION – OPERATION SAFE PARKS

Cmdr. Fortier from the Seventh Precinct gave the following presentation on the Seventh Precinct Parks Initiative - Operation Safe Parks:

(See Attached)

Chairperson Norris asked do you have an increase force.

Cmdr. Fortier stated yes, we do.

Chairperson Norris stated in the past we have had problems with people being stuck on Jefferson for 3 hours or longer. I have noticed in the last couple of years, that there has not been any more problems, so I am assuming that you have figured something out.

Cmd. Fortier stated we try to figure it out as best as we can and we use our manpower. None of the officers who are assigned to this detail, even though they get off at 10:00 p.m., they have to check with 2401, who is responsible for that area, before they are relieved of duty, they have to check with them.

Chairperson Norris asked are they every held over?

Cmd. Fortier stated yes, they might be held over and have to work overtime until that problem is curtailed.

Chairperson Norris asked do you have an increase force to recognize the increase need?

Cmdr. Fortier stated yes, we do.

Comm. Ramierz asked did you foresee that they were going to have skip day at Bellse Isle? Where you ready?

Cmdr. Fortier stated we were ready, but we didn't have a good turn because it rained that day. Through our contacts with our school officers and high school we received intelligence that senior skip day was going to be last Friday, I anticipate that it will be again this Friday.

Chairperson Norris stated there are two problems, there is the problem of the unlawful activity that makes it hard for people to use the parks. The second problem is the traffic, because it gets very crowded out there and there is only one way to get out.

Cmdr. Fortier stated correct, if you are using Jefferson, you are going to be tied

up in the traffic. If you use Larned, Lafayette, Vernor and Gratiot.

Comm. Ramirez stated from my understanding, I heard there were some fights that broke out. She asked how many tickets were given out?

Cmdr. Turnbull stated I do not have that information available for today's meeting. We do keep the statistics of how many arrests were made and how many ordinances were issued.

7. DISCIPLINARY APPEALS ARGUED – APPEALS SUBCOMMITTEE

Chairperson Norris stated the Disciplinary Appeals Argued would be tabled until the next full meeting of the Board.

8. OTHER BUSINESS

None.

9. ORAL COMMUNICATION FROM THE AUDIENCE

Henry Dudzinski stated I wrote to you in September, I didn't even dare send it to the Board of Police Commissioners here because I was concerned that it would be intercepted. Now I see in today's paper, that in fact there has been tampering and I am concerned. I may say that I have been vindicated, everything that has appeared in this paper today, is what I have been advocating every meeting that I have attended here. The only thing that I can say is that either the Board of Police Commissioners is frightful of hearing the truth or they don't want to hear it.

Chairperson Norris stated what we are dealing with right now are allegations and as I said, when the reporter called me and said that they would be investigating those allegations, I view the allegations as this point. The second thing is, I think any of you who come to our meetings regularly know that I take the independence and the integrity of this Board incredibly seriously.

Mr. Dudzinski stated as I do with my advocating.

Chairperson Norris stated I don't doubt that for a moment. I think regardless, of what we find in our investigation. Our integrity has been called into question and we will have to figure out what we do about that. I find that disturbing as well, but We are by no means are going to rush to any judgement about any of this. I also think it is important to know that what has been alleged is not unlawful activity, what has been alleged is that the way like to do business is not the way we did

business. We are going to carefully look into this and I would not rush to any judgement at this point.

Mr. Dudzinski asked are you saying that you don't agree with the way I proceed?

Chairperson Norris stated no, I did not say that Mr. Dudzinski.

Mr. Dudzinski asked what did you say?

Chairperson Norris stated I said what you read in the paper this morning are allegations and that we will be investigating these allegations.

Mr. Dudzinski stated he likes to call them asseverations.

Ron Scott stated I am with the Coalition Against Police Brutality. Megan I want to concur with you in relationship to the independence of the Detroit Board of Police Commission, when our organization initially started coming to these meetings we were very concerned about it. I think I out rank a lot of the people, in terms of how I remembered when this Commission was created and one of the people that fought to have it created in the early 1970's and the spectra of the stress.

Chairperson Norris stated that makes you older than me.

Mr. Scott stated that means that I am a little older than you and probably older than most of the people other than...

Chairperson Norris stated no one is older than Shoulders.

Mr. Scott stated I didn't say it. The point what I am making is that we in the Coalition look to the investigative process that is rendered in this body to be open, to be without any kind of tampering, to be objective.

My concern is that your fellow Commissioner's are not here. I am concerned that the two women, who I consider to be the brightest lights on the Commission are sitting here by themselves and when the public comes and raises comments that we are not hearing from an entire panel Commission. It also raises the question about the Commission itself and whether or not under the Charter as it is constituted that it could really do its job effectively without having anyone or anything from another body or another branch of government impacting what you do.

The bottom line is, when we go out and we talk to citizens' and we tell them to talk tot the Detroit Police Commission, we want to feel that they will have an opportunity to have the fullest and fairest investigation. If they can't feel that, then

we are wasting our time being here and you are wasting your time being there, getting the \$50 dollars that you get.

Chairperson Norris stated that's right. Somebody told me that Problem Solvers are here and that I would be in trouble because I started our meeting late, I said they could fire me.

Mr. Scott stated Comm. Norris you have been very outspoken as one of the few Commissioners that have been outspoken, I hope that you won't be rendered in a position that some of your predecessors have, when you receive permission to leave the Commission. We hope that the independence of this Commission will be retained. I am not going to say anything specifically regarding the allegations. I will say that I wish that they were held in public so that we could ask questions.

Chairperson Norris stated for my employer's purposes, I would rather not be called outspoken, I would rather be considered trying to discharge my duties to the best of my abilities.

Mr. Scott stated I agree with you.

Chairperson Norris stated the Open Meetings Act governs when we are open and when we are not and personnel matters are something that when the personnel involve would want us to be closed, were closed. It requires the vote of the Commission, but that has been our general practice and I anticipate that we are going to follow that practice in this case.

Mr. Scott stated is there...

Chairperson Norris stated if action is taken we won't discuss amongst Commissioners about how to deal with this in terms of interviewing people involvement's, we won't be doing the publicly, were not required to do that publicly. Frankly, I don't think that it would be appropriate to do that publicly.

Mr. Scott stated the point of that is that we could agree to disagree, because I think that when individuals enter into public positions, that in many cases, the citizens' have a right to engage in the kind of scrutiny that cannot be done in an after effect of that particular situation. In that context, I think in the future that we should consider, if a person renders themselves as a public servant that they open the scrutiny.

Chairperson Norris stated I hear your opinion, but I am going with the Open Meetings Act.

PO Reggie Crawford stated I sincerely hope that the allegations are not true. According to the Charter the Commission has the power to appoint and disappoint, I hope that you don't disappoint the community by not doing the right

thing. It is very ironic that in this police department that we are at a point where we see a pattern that we are investigating the investigations. We can't get any work done because every time there is an investigation, we would have to come behind and investigate the investigation.

I was disappointed and disturbed by the Mayor's statements about Officer Jones and Officer Martin, that they were honorable men because their records don't reflect that they were men of integrity and that is a slap in the face of every hard working and honest Detroit police officer of this Department.

Chairperson Norris stated two weeks ago you asked about the release of the officers' name and that was something that the Commission was very concerned about. At that time no one knew how that name got released, in the subsequent week there was some information about that. My understanding is that Bob Berg acknowledged that he released it to the media, which begged the question how did Bob Berg get the name and the Chief confirmed that would be contrary to departmental policy for that name to have been released outside the Department in any fashion. We have asked the Chief to provide us with whatever information he has regarding who would have access to that name and what circumstances it could go where.... My understanding is that the state investigation that is being done will include not only, investigation into an alleged criminal activity, but they would also be reporting back any procedural or internal control kinds of violations that they find.

Mr. Crawford stated there is a situation going on right now, where an officer has been before the federal grand jury. This officer is of the highest integrity and one officer that is truly above reproach and all he wants is a transfer out of his precinct.

Chairperson Norris stated Chief you don't need to comment on that one publicly, but that is one that we would have nothing to say about. I will just refer that request to you.

Mr. Crawford stated I will speak with anyone in confidence about it.

Tony stated homeland security needs more investigation.

Phillip Craccioholio read an excerpt from the paper stating, "Months after Goss was hired, Norris complained in an interview that Kilpatrick had pressured the Commission to bring Goss on, forcing out his predecessor Pamoline McDonald. I know that you serve at the discretion of the Mayor..."

Chairperson Norris stated no.

Mr. Craccioholio stated at any time if he has cause he could replace you.

Chairperson Norris stated just cause.

Mr. Craccioholio asked could you recite what kind of pressure, was it verbal?

Chairperson Norris stated I am not going to do that today Mr. Craccioholio. I did say that at a meeting and I did give an interview right after that meeting that was reported. I stand by everything I said then, but I am not going to keep restating that. I hope that all of you understand I am not so much worried about getting my thank you can go home letter. We all have day jobs and it is causing some pressure there as well.

Mr. Craccioholio stated the way that it was stated, seemed as though there could have been some threatening.

Chairperson Norris stated no, I believe the word I used was pressure.

Mr. Craccioholio stated that could be threatening also.

Chairperson Norris stated I did not use that word.

Mr. Craccioholio asked has there been any investigation into the gentleman that was in a police car in Ferndale? Was he on official business.

Chairperson Norris stated that was part of the investigation.

10. ANNOUNCEMENT OF NEXT MEETING

Thursday, June 5, 2003 @ 3:00 p.m.
Police Headquarters – Rm. 328-A
1300 Beaubien
Detroit, Michigan 48226

11. ADJOURNMENT

Meeting was adjourned at 4:08 p.m.

Respectfully Submitted,

DANTE' L. GOSS

Executive Director
Board of Police Commissioners

DLG/kdw